



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during June 2012
DISTRIBUTED: August 1, 2012

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):

Air:

General Dynamics Armament and Technical Products, Inc., Saco, Maine. General Dynamics Armament and Technical Products, Inc. ("General Dynamics") violated provisions of its Department-issued air emission license by failing to maintain scrubber discharge pressure which relates to the facility's chrome emission limit. To resolve the violation, General Dynamics paid \$1,000 as a civil monetary penalty.

Water:

Berwick Sewer District, Berwick, Maine. The Berwick Sewer District violated Maine's *Water Pollution Control* laws and the facility's Department-issued waste discharge license when approximately 49,000 gallons of untreated wastewater overflowed a pump station and subsequently went into the Salmon Falls River. The overflow occurred when a pump station failed during a storm-caused power outage and staff responding to a high water alarm at the pump station checked that the pump station's generator was running but did not verify that the pumps were operating. Due to an electrical problem with the generator, electrical power was not going to the pumps. Following Department involvement, Berwick Sewer District developed a response plan for sewer overflows and an alarm response plan for the subject pump station. In addition, Berwick violated effluent limitations in its waste discharge license by exceeding license limits for: biochemical oxygen demand, E. Coli bacteria, total residual chlorine, phosphorous, settleable solids, total suspended solids, and pH. To resolve the violations, Berwick Sewer District paid \$7,244 as a civil monetary penalty.

District Court Enforcement Resolutions (party followed by location):

Hazardous Waste and Air:

State of Maine, Department of Environmental Protection v. We Care Cleaners, Inc. and Edmund K. Arnold, Kittery, Maine. We Care Cleaners, Inc. ("We Care") violated the Department's *Perchloroethylene Dry Cleaner Regulation* by failing to register its dry cleaning facility with the Department in 2009 and 2010, failing to maintain a required log, failing to maintain its dry cleaning system to prevent perchloroethylene ("perc") vapor losses greater than 25ppm, and failing to store perc and perc containing waste in tightly sealed containers. In addition, We Care violated the Department's *Standards for Generators of Hazardous Waste* by: failing to determine if waste generated was hazardous; failing to mark each container of hazardous waste with the words "Hazardous Waste" and mark the accumulation start date on each container; failing to keep containers holding hazardous waste closed during storage except when necessary to add or remove waste; treating hazardous waste separator water without a license from the Department; failing to conduct daily inspections of hazardous waste containers and record findings in an inspection log; and failing to maintain a containment and collection system. We Care also violated the Department's *Hazardous Waste Manifest Requirements* by failing to notify the Department and file a written exceptions report for a hazardous waste manifest when it did not receive the designated facility to generator copy of the manifest. Edmund K. Arnold, the president and a shareholder of We Care, agreed to responsibility for the violations as a personal participant in some or all of the violations and as the responsible corporate officer whose actions or



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inactions facilitated the violations. Following Department involvement, We Care removed its perc dry cleaning systems from the site and replaced them with a new dry cleaning system that does not use perc. To resolve the violations, We Care entered into a Consent Decree and Order with the Department which was approved by the court. We Care agreed to pay \$22,210 as a civil monetary penalty pursuant to the terms of a payment plan.

Land:

State of Maine, Department of Environmental Protection v. Regis R. Beaulieu, Monmouth, Maine. Regis R. Beaulieu ("Beaulieu") violated Maine's *Natural Resources Protection Act* by placing fill and displacing soil in, on or over a protected natural resource, specifically a significant wildlife habitat and a freshwater wetland, without first obtaining a permit from the Department. Specifically, Beaulieu placed approximately 2,172 square feet of fill in a freshwater wetland. The wetland is considered a significant wildlife habitat under Department rules as a moderate value waterfowl and wading bird habitat. Following Department involvement, Beaulieu removed the fill and restored the affected area. To resolve the violation, Beaulieu agreed to pay \$1,200 as a civil monetary penalty, of which \$600 will be paid pursuant to the terms of a payment plan and \$600 will be suspended and permanently waived if the payment plan is completed in accordance with the terms of the Consent Decree and Order.

Mining:

State of Maine, Department of Environmental Protection v. Seymour Excavating, Inc. and Paul J. Seymour, Freeport, Maine. Seymour Excavating, Inc. ("Seymour Excavating") and Paul J. Seymour ("Seymour") violated Maine's *Performance Standards for Excavations for Borrow, Clay, Topsoil, or Silt* law by creating or operating an excavation of five or more acres of area excavated since January 1, 1970 prior to filing a "Notice of Intent to Comply" with the Department. Specifically, Seymour Excavating operated an excavation on property owned by Seymour that had been expanded by approximately 14.7 acres between 1972 and 2011. Following Department involvement, Seymour submitted an after-the-fact "Notice of Intent to Comply" pursuant to the *Performance Standards for Excavations for Borrow, Clay, Topsoil, or Silt* law which was approved by the Department. To resolve the violation, Seymour entered into a Consent Decree and Order with the Department which was approved by the court. Seymour agreed to pay \$4,000 as a civil monetary penalty pursuant to the terms of a payment plan.